



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING COMMISSION
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MINUTES JANUARY 9, 2007

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The meeting was called to order by Chairman Jack Knapp Jr. at 7:30 PM.

Present were Theresa Buzaid, Anthony DiCaprio, Ted Farah, Theodore Haddad Jr., Helen Hoffstaetter, Richard P. Jowdy, Donald Kennedy, Jack H. Knapp, Robert Melillo, and Alternates Victoria Hickey and Joseph Notaro, Jr. Also present was Planning Director Dennis Elpern.

Absent was Donald Kennedy.

Chairman Knapp asked Ms. Hickey to take Mr. Kennedy's place for the items on tonight's agenda.

Mr. Farah led the Commission in the Pledge of Allegiance

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PUBLIC HEARINGS:

7:30 PM – Petition of the City of Danbury, Main St at East Franklin St. (#H13305 & #H13306)
for a Change of Zone from IL-40/C-CBD to C-CBD.

Mr. Farah read the legal notice. Ms. Hoffstaetter read the Planning Commission recommendation, which was positive. Also present were City Engineer Farid Khouri, Police Chief Al Baker, Vincenzo Amendola from the City Engineering Dept. and Attorney Ray Yamin.

Dennis Elpern spoke in favor of this petition. He referred to the map showing both the existing and proposed zoning. (Designated Exhibit A). He explained that we will combine part of the Precision Laminates parcel and a portion of the Amphenol parcel with eight existing Redevelopment Agency (RDA) sites. These two will be mainly used for parking. He read through the Staff Report and said this complies with the Plan of Conservation & Development (POCD). He showed them renderings of the site as it exists today and how it will look with the proposed new Police Station. He explained that the RDA and the Common Council had to rescind the designation of these as RDA parcels, which has been done. He then showed them a copy of the proposed site plan. Mr. DiCaprio asked if it could be built with the IL-40 still there. Mr. Elpern said it could be the C-CBD zone allows for more design flexibility. Ms. Hoffstaetter asked about the parcel identified as being owned by Aberdeen Development and Mr. Elpern said the City owns it now. Chairman Knapp asked where the police cars are serviced and Chief Baker said at the equipment maintenance building on Newtown Rd. Mr. Farah asked what will become of the existing Police Station once this new one is built. Mr. Elpern said it will become a

Redevelopment parcel; possibly the site of elderly housing based on its proximity to other senior housing in the area. Mr. Farah asked if the size of this proposed building will be adequate for the next 50 years. Mr. Elpern said we do know it will be adequate for at least 20 years and there is the potential for some expansion. Mr. Melillo asked if they would need another zone change in the future if they need to expand the parking.

Chief Al Baker, 106 Deer Hill Ave., said the present building was designed in 1970 for about half of the staff they have now. This new building will give them three times their current space and it will have a wonderful impact on the north end of Main St.

Lynn Waller, 83 Highland Ave., said she had taken a tour of the old station and it is in sad shape. This would be a tremendous addition to the City.

Attorney Neil Marcus, 158 Deer Hill Ave., said he is in favor because it gives him the rare opportunity to be on the same side as Mr. Elpern and Mrs. Waller. The current facility is an embarrassment to the City, so this is a very good idea for Danbury.

Chairman Knapp asked if there was anyone to speak in opposition to this petition and there was no one.

Mr. DiCaprio made a motion to close the public hearing. Mr. Melillo seconded the motion and it was passed unanimously. Mr. Melillo then made a motion to move this to item one under the Old Business on tonight's agenda. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

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7:45 PM – Petition of Elmer Palma for Elmer's Diner, 22-24 Padanaram Rd. (#H10124 & #H10125) for Special Permit for Restaurant Liquor License.

Chairman Knapp read the legal notice. Attorney Neil Marcus spoke in favor of this. He reviewed the criteria from Sec. 3.F.2. of the Zoning Regulations. He said this is located almost across the street from North Street Shopping Center. He listed the various other restaurants in the immediate area that are serving liquor: Bella Italia, China Buffett, Mykonos, and Ernie's Roadhouse. He said Mr. Palma currently operates a restaurant in Ridgefield with his family with no problems. He said this is just over 3,000 sq.ft. and the bulk of the area is seating and the kitchen. This meets all of the criteria in the Regulations. Elmer Palma then spoke briefly. He said they will make everything on site, the kitchen downstairs is for prep work and baking. They will have everything fresh, because that is the best way. He then said he really only wants to serve Beer & Wine. Chairman Knapp pointed out that since it was advertised as full liquor, he should take that. Mr. Palma said he does not want it; he just wants the Beer & Wine permit. Mrs. Buzaid asked the seating capacity. Attorney Marcus said there are 85 seats. Ms. Hoffstaetter asked if this will be what we know as a "traditional" diner, being open 24 hours a day. Mr. Palma said that it will not. Mrs. Buzaid asked if there is enough parking for the number of seats. Chairman Knapp said they know there is because they have received site plan approval from the Planning Dept. and the floor plan was part of that approval.

Chairman Knapp asked if there was anyone to speak in opposition to this petition and one person came forward.

Elia Assaf, 18 Padanaram Rd., said he built his house in 2001 and he is concerned that the restaurant is just too close to his house. He said he is not here to complain but is concerned about them serving liquor. He said he wants a fence between the parking area and his house and he wants to be sure there is a filter on the kitchen fan. He said no one would want to live this close to a restaurant without a fence between them. He said he has asked the Fire Marshal, the Health Dept. and the Building Dept. about the fan but no one knows anything and he wants to be sure that it has a filter. He said again that he wants a fence around the parking area.

Lynn Waller, 83 Highland Ave., said she is not against the license but is concerned about the parking as well as traffic exiting the parking lot. She said she was relieved to hear that it is not a bar.

Attorney Marcus spoke in rebuttal saying that Mr. Assaf's concerns have been addressed by the site plan approval requiring fencing be installed from each corner of the building to the property line. He said the parking area has been scrutinized for safety and sight lines and has been approved. Mr. Elpern asked if the approval specifies what type of fence. Mr. Palma said it says it has to be at least 30 inches in height. Mr. Haddad asked about the exhaust fan and Mr. Palma said it is installed and designed to blow upward through the ceiling of the building. He said he too is concerned about health and safety and does not want to have a bad impact on the area.

Mr. Elpern pointed out that the Regulations say the Commission may impose conditions to ensure compliance with Section 3.F.2., so if the neighbor does not want to look at this, maybe a fence along the rear of the property will address that.

Mr. Melillo made a motion to close the public hearing. Ms. Hickey seconded the motion and it was passed unanimously. Mr. Melillo then made a motion to move this to item two under the Old Business on tonight's agenda. Mr. Farah seconded the motion and it was passed unanimously.

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OLD BUSINESS

Petition of the City of Danbury, Main St at East Franklin St. (#H13305 & #H13306) for a Change of Zone from IL-40/C-CBD to C-CBD.

Ms. Hoffstaetter made a motion to approve this petition for the following reasons:

- This complies with the criteria specified in Sec. 10.I.3. of the Zoning Regulations and is consistent with the Plan of Conservation & Development.

Mr. Melillo seconded the motion and it was passed unanimously by voice vote. Mr. Haddad asked if the bond issue had given the address of the project. Mr. Elpern said not specifically but

the Engineering Dept. definitely had the "will and intent" of the people of Danbury for a new Police Dept. in mind when it was written.

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Petition of Elmer Palma for Elmer's Diner, 22-24 Padanaram Rd. (#H10124 & #H10125) for Special Permit for Restaurant ~~Liquor License~~ Beer & Wine Permit.

Mr. Melillo made a motion to approve this for a Beer & Wine Permit (as revised during the public hearing) per the floor plan as submitted with the stipulation that there be a six foot high stockade fence along the rear of the parcel as discussed. He gave the following reason for this motion

- The proximity of such premises will not have a detrimental effect on any church, school, convent or charitable institution. Nor will it have a detrimental effect on the immediate neighborhood concerned, due consideration having been given to the character of the surrounding neighborhood.

Mr. DiCaprio seconded the motion. Ms. Hoffstaetter asked for a clarification of the fence details. Mr. Elpern suggested since there is a three foot high fence shown on the approved site plan; they replace it with a six foot high stockade fence. Mr. Melillo pointed out that this fence is not right behind the building, it is on the retaining wall. Chairman Knapp then called a roll call vote and the motion with the stipulation was approved with eight AYES and one NAY (from Mrs. Buzaid).

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There was nothing under New Business or Other Matters. The regular meeting schedule was listed under Correspondence and listed under For Reference Only was a public hearing scheduled for February 13, 2007.

At 9:00 PM, Mr. Melillo made a motion to adjourn. Mr. Haddad seconded the motion and it was passed unanimously.